

22. For these reasons, it is my opinion that the software provided by Kaspersky Labs serves an important public interest in alerting consumers to what may be unexpected and unwanted behavior of software that users may not have realized was being installed.

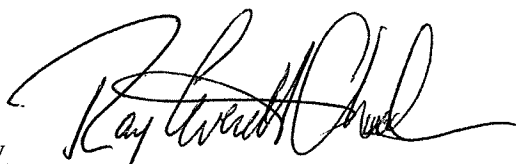
CONCLUSION

23. For all of the foregoing reasons, and for additional reasons which will undoubtedly be expounded upon at trial, it is my opinion that the software offered by Kaspersky Labs is serving an important public interest and that interest outweighs any incidental harms claimed by Zango. Therefore it is my opinion that the Court should deny any request to enjoin Kaspersky Labs from continuing to offer services that are in great demand by consumers. Unlike adware vendors who must trick or entice users into downloading and installing their wares, security software such as that created by Kaspersky Labs is specifically sought by consumers to help them cure problems created by adware. To prevent Kaspersky from continuing to offer consumers the assistance they are specifically seeking would be contrary to the public interest of allowing consumers to access the tools and resources necessary to protect their privacy and the integrity of their computers and personal information.

PURSUANT TO 28 U.S.C. § 1746, I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on June 3, 2007.

By



Ray Everett-Church

DECLARATION OF RAY EVERETT-CHURCH IN
SUPPORT OF OPPOSITION TO PLAINTIFF'S MOTION
FOR TRO
(C-07-0807-JCC) — 9

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